

COMMERCIAL REAL ESTATE INSIGHT & NEWS

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Critical Deadline for Action Plans Approaches for Certain MBTA Communities

BY JOSEPH R. DUQUETTE • DECEMBER 27, 2022

On October 21, 2022, the Commonwealth of Massachusetts Executive Office of Housing and Economic Development ("EOHED") issued final guidelines to the Commonwealth's 175 MBTA communities for compliance with M.G.L. c. 40A, § 3A ("Guidelines") revising its August 10, 2022, guidance. Importantly, MBTA communities that have not yet achieved interim compliance with the Guidelines stand to lose their eligibility for potentially hundreds of thousands to millions of dollars of funding sources that require compliance with the Guidelines.

To remain eligible for the calendar year 2023 round of MassWorks and Housing Choice grants, as well as the Local Capital Projects Fund, an MBTA community must submit an Action Plan for MBTA Communities to the Department of Community Housing and Development ("DHCD") no later than January 31, 2023.

While interim compliance will allow an MBTA community to remain eligible for funding sources in 2023, full District Compliance is needed to remain eligible thereafter. District Compliance is achieved when an MBTA community adopts a multi-family zoning district that meets all the requirements of the compliance guidelines and is certified by DHCD. The deadline to submit a full compliance application to DHCD varies by community category as shown below:

Rapid transit community	12/31/2023
Commuter rail community	12/31/2024
Adjacent community	12/31/2024
Adjacent small town	12/31/2025

The EOHED's letter, final guidelines, and compliance modeling tools for MBTA community categories are posted on the agency's website.

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